

TOWN BOARD MEETING  
March 16, 2006 - 7:00 PM

The meeting was called to order by Supervisor Reagon at 7:00 p.m.

Salute to the Flag was conducted.

Emergency Exits were pointed out by the Supervisor.

Roll Call:

Councilwoman Perotti	Present
Councilman Euvrard	Present
Councilwoman Doyle	Present
Councilman Russell	Present
Supervisor Reagon	Present

ADJOURN TO EXECUTIVE SESSION

Councilman Euvrard moved that the Board go into executive session to discuss litigation issues with respect to Maxon Mills, the Miles situation, and the Old Amenia landfill, and to discuss the potential acquisition of real property:

MOTION:	C/Euvrard		
SECOND:	C/Russell		
ROLL CALL:	C/Perotti	- AYE	C/Doyle - AYE
	C/Euvrard	- AYE	C/Russell - AYE
	S/Reagon	- AYE	

MOTION CARRIED 5 to 0.

RETURN TO REGULAR MEETING

The Board returned to regular meeting:

MOTION:	C/Euvrard		
SECOND:	C/Perotti		
ROLL CALL:	C/Perotti	- AYE	C/Doyle - AYE
	C/Euvrard	- AYE	C/Russell - AYE
	S/Reagon	- AYE	

MOTION CARRIED 5 to 0.

LOCAL LAW # 1 OF 2006 ASSESSMENT OF CONVERTED CONDOMINIUMS

Supervisor Reagon read the proposed law.

OPEN PUBLIC HEARING ON LOCAL LAW # 1 OF 2006 ASSESSMENT OF CONVERTED CONDOMINIUMS

MOTION:	C/Euvrard		
SECOND:	C/Russell		
ROLL CALL:	C/Perotti	- AYE	C/Doyle - AYE
	C/Euvrard	- AYE	C/Russell - AYE
	S/Reagon	- AYE	

MOTION CARRIED 5 to 0.

CLOSE THE PUBLIC HEARING

There being no public comment, the Board voted to close the public hearing:

MOTION: C/Euvrard  
SECOND: C/Perotti  
ROLL CALL: C/Perotti - AYE C/Doyle - AYE  
C/Euvrard - AYE C/Russell - AYE  
S/Reagon - AYE  
MOTION CARRIED 5 to 0.

LOCAL LAW # 1 OF 2006 ASSESSMENT OF CONVERTED CONDOMINIUMS.

The Board voted to create local law #1 dealing with assessment of converted condominiums:

MOTION: S/Reagon  
SECOND: C/Russell  
ROLL CALL: C/Perotti - AYE C/Doyle - AYE  
C/Euvrard - AYE C/Russell - AYE  
S/Reagon - AYE  
MOTION CARRIED 5 to 0.

LOCAL LAW # 2 OF 2006 VETERAN'S REAL PROPERTY TAX EXEMPTION

Supervisor Reagon read the proposed law.

OPEN PUBLIC HEARING ON LOCAL LAW # 2 OF 2006 VETERAN'S REAL PROPERTY TAX EXEMPTION.

MOTION: S/Reagon  
SECOND: C/Euvrard  
ROLL CALL: C/Perotti - AYE C/Doyle - AYE  
C/Euvrard - AYE C/Russell - AYE  
S/Reagon - AYE  
MOTION CARRIED 5 to 0.

CLOSE THE PUBLIC HEARING

There being no public comment, the Board voted to close the public hearing:

MOTION: C/Perotti  
SECOND: C/Euvrard  
ROLL CALL: C/Perotti - AYE C/Doyle - AYE  
C/Euvrard - AYE C/Russell - AYE  
S/Reagon - AYE  
MOTION CARRIED 5 to 0.

LOCAL LAW # 2 OF 2006 VETERAN'S REAL PROPERTY TAX EXEMPTION.

The Board voted to create local law #2 amending the real property tax to increase the maximum exemption for veterans:

MOTION: S/Reagon  
SECOND: C/Euvrard  
ROLL CALL: C/Perotti - AYE C/Doyle - AYE  
C/Euvrard - AYE C/Russell - AYE  
S/Reagon - AYE  
MOTION CARRIED 5 to 0.

PUBLIC COMMENTS - AGENDA ITEMS ONLY

1. Tonia Schoumatoff: Last night the CAC met and discussed the salination of fresh water ways in Dutchess County. They suggested that the town share the county salt shed because it is enclosed and safer for the water shed.
2. Pat Nelligan: (a) both the Town Board and Planning Board are meeting tonight. When two important meetings are scheduled at the same time, it

is a disservice to the residents who want to attend both meetings. Supervisor Reagon noted that she believed the Planning Board needed to meet tonight. (b) The public comment period at the beginning of workshop meetings should not be limited to agenda items only. Supervisor Reagon explained the rationale for this policy and said that the policy would continue.

3. Betty Rooney: The Miles case was discussed in the Executive Session tonight. According to Betty Rooney's understanding of the zoning grandfathering law, a business cannot be changed from the original business and still take advantage of the grandfathering law. The grandfathering law does not apply to the Miles because the original business was not a junk yard (as it is now). At the time zoning was enacted in the town, neither Miles nor Berlinghoff had a business on the street.

#### HUDSONIA PRESENTATION

Kristin Bell gave a presentation on the biodiversity study that Hudsonia is doing for the Town of Amenia.

#### TELECOMMUNICATIONS COMMITTEE

Councilwoman Perotti read the resolution to create an advisory committee to negotiate a new contract with Cablevision. The committee would be composed for three to five volunteers and would be headed by Councilwoman Perotti to get it started. Interested parties were asked to call town hall or Councilwoman Perotti directly.

#### RESOLUTION 7 OF 2006: CREATE TELECOMMUNICATIONS COMMITTEE

MOTION: C/Perotti

SECOND: C/Euvrard

ROLL CALL:	C/Perotti	- AYE	C/Doyle	- AYE
	C/Euvrard	- AYE	C/Russell	- AYE
	S/Reagon	- AYE		

MOTION CARRIED 5 to 0.

#### SENIOR CITIZEN REAL PROPERTY TAX EXEMPTION

Supervisor Reagon read the resolution calling for a public hearing on April 20 at 7:00 to discuss proposed local law # 3 of 2006 which would raise the income level needed to be eligible for real property tax exemption.

#### RESOLUTION 12 OF 2006: HOLD PUBLIC HEARING ON LOCAL LAW #3 OF 2006 SENIOR CITIZEN REAL PROPERTY TAX EXEMPTION

MOTION: S/Reagon

SECOND: C/Euvrard

ROLL CALL:	C/Perotti	- AYE	C/Doyle	- AYE
	C/Euvrard	- AYE	C/Russell	- AYE
	S/Reagon	- AYE		

MOTION CARRIED 5 to 0.

#### BEEKMAN PARK UPGRADES

Councilman Russell read the resolution to authorize transferring \$25,000 to the Park & Recreation Savings Account for materials purchased for Beekman Park upgrades.

RESOLUTION 8 OF 2006: BEEKMAN PARK UPGRADES, TRANSFER \$25,000 TO RECREATION SAVINGS ACCOUNT

MOTION: C/Russell

SECOND: C/Perotti

ROLL CALL: C/Perotti - AYE C/Doyle - AYE  
C/Euvrard - AYE C/Russell - AYE  
S/Reagon - AYE

MOTION CARRIED 5 to 0.

REPLACE HIGHWAY FUNDS FROM CDBG (COMMUNITY DEVELOPMENT GRANT)

Supervisor Reagon read the resolution to reimburse the highway department \$45,988.66 which was taken from highway funds while waiting for the CDBG money to come in. This is a reimbursement.

RESOLUTION 9 OF 2006: REPLACE \$45,988.66 IN HIGHWAY FUNDS FROM CDBG

MOTION: S/Reagon

SECOND: C/Doyle

ROLL CALL: C/Perotti - AYE C/Doyle - AYE  
C/Euvrard - AYE C/Russell - AYE  
S/Reagon - AYE

MOTION CARRIED 5 to 0.

REVALUATION OVERSIGHT COMMITTEE

Supervisor Reagon proposed an idea that was brought up at the last workshop - an oversight committee to oversee the real property revaluation process. This advisory committee would work with John Watch (MJW Consulting), Assessor Ron Gazzoli, and Supervisor Reagon to make sure the revaluation process is done properly. The committee will be comprised of three to five volunteers who will meet only until the revaluation process has been completed. The committee will facilitate communication and make recommendations to the Town Board. Supervisor Reagon will convene the first meeting.

RESOLUTION 10 OF 2006: CREATE REAL PROPERTY REVALUATION COMMITTEE

MOTION: S/Reagon

SECOND: C/Russell

ROLL CALL: C/Perotti - AYE C/Doyle - AYE  
C/Euvrard - AYE C/Russell - AYE  
S/Reagon - AYE

MOTION CARRIED 5 to 0.

COLLATERAL SOURCE BILL SUPPORT

Supervisor Reagon read the resolution to support the Association of Towns proposal to help towns meet the cost of defending and paying liability claims. Amenia will join the Association of Towns in asking the Governor and the Legislature (1) to authorize towns to defend themselves in the non-jury forum of the State Court of Claims and (2) to amend CPLR §4545 to allow local governments to offset the cost of damage awards with collateral resources.

RESOLUTION 11 OF 2006: COLLATERAL SOURCE BILL SUPPORT

MOTION: S/Reagon

SECOND: C/Euvrard

ROLL CALL: C/Perotti - AYE C/Doyle - AYE  
C/Euvrard - AYE C/Russell - AYE  
S/Reagon - AYE

MOTION CARRIED 5 to 0.

#### LAWN MOWING - ADVERTISE FOR BIDS

Councilman Russell moved to authorize the Town Clerk to advertise for lawn mowing bids. The mowing specifications had already been prepared by the Town Clerk and were circulated to the Town Board.

#### AUTHORIZE TOWN CLERK TO ADVERTISE FOR LAWN MOWING BIDS

MOTION: C/Russell

SECOND: C/Doyle

ROLL CALL: C/Perotti - AYE                      C/Doyle - AYE  
                  C/Euvrard - AYE                      C/Russell - AYE  
                  S/Reagon - AYE

MOTION CARRIED 5 to 0.

#### M&T BANK PARKING PROBLEM DURING FARMERS' AUCTION

Flood's annual farmers' machinery auction is scheduled for Saturday March 25 at 10:00 at Four Brothers in Amenia. The large number of cars attracted to this event causes a problem for M&T Bank located right across the street. M&T has requested that the constable be asked to assist bank customers getting in and out of their parking lot since the bank is open on Saturday morning.

#### AUTHORIZE TOWN CONSTABLE TO HELP WITH PARKING DURING FLOOD'S AUCTION ON MARCH 25, IF THERE IS NO COST TO THE TOWN

MOTION: C/Doyle

SECOND: C/Perotti

ROLL CALL: C/Perotti - AYE                      C/Doyle - AYE  
                  C/Euvrard - AYE                      C/Russell - AYE  
                  S/Reagon - AYE

MOTION CARRIED 5 to 0.

Councilman Euvrard questioned who would pay the constable's salary for these hours, and suggested that Flood's and the bank should pay. Supervisor Reagon will check into this.

#### SALT SHED

Supervisor Reagon shared the good news that the NYS Department of Environmental Conservation (DEC) had decided to extend the town's salt shed grant for one more year. Attorney Michael Hayes added that this was good news for future grant applications, because it does not look good to decline a grant. If DEC had not extended the grant, the town would have essentially declined the grant because we could not meet the criteria in time.

#### TECHNOLOGY PURCHASES

Supervisor Reagon reported that there had been computer problems in the Town Clerk office today, just another in a series of problems that have afflicted the computers in town hall. In order to solve these problems and to obtain updated software for the bookkeeper, the town will hear presentations from various software vendors, the first scheduled for March 21. By the April 20 town board meeting, we hope to have enough information and price quotes to make a decision. Payment can be spread over several years.

#### GRANTS

1. The defibrillator grant has been submitted to the Community Foundation asking for two defibrillators, one for town hall and one for the library.

2. Supervisor Reagon sent a letter to Robert Kidder, CEO of Borden, Inc. asking for money to help refurbish and upgrade the park near the old Borden milk factory.
3. A grant for playground equipment through the Berkshire Taconic Foundation Community Grant has an April 1 deadline.

#### REVALUATION

Supervisor Reagon has met with assessor Ron Gazzoli and has decided to send a letter to residents explaining the revaluation process and the time frame. This letter will be included in the mailing to homeowners of the pictures of their homes.

#### MINUTES

The minutes of the February 16, 2006 town board meeting were approved as amended to correct the spelling of attorney Michael Sirignano:

#### APPROVE MINUTES OF FEBRUARY 16, 2006, AS AMENDED

MOTION: C/Perotti

SECOND: C/Russell

ROLL CALL: C/Perotti - AYE C/Doyle - AYE  
 C/Euvrard - abstain C/Russell - AYE  
 S/Reagon - AYE

MOTION CARRIED 4 to 0.

Councilman Euvrard offered a correction to the January 19, 2006 minutes: the salt shed grant is a matching grant.

#### COMMITTEE REPORTS:

#### ENHANCEMENT COMMITTEE

Councilwoman Doyle reported on the proposed rail trail (municipal) parking lot on old Route 22 at the foot of Powderhouse Road. The parcel is owned by the state which will give the town a 30-day revocable permit. The NYSDOT real estate specialist said that the property has been designated "approved surplus parcel". The town cannot get a longer lease because DOT might decide at any time to try to sell the property. However, Dutchess County wants the town to make numerous improvements if the lot is to be used for rail trail parking, e.g. improved ingress and egress, seeded buffer area, fence, sign, ramp to the rail trail, and so on. Should the town invest the money for these improvements if the State could revoke our permit at any time?

The property has two buried storage tanks (1,000 and 2,000 gallons), which have been filled with sand per DEC requirements (according to 1990 notes). Stan Whitehead voiced his opinion that it would be better to improve the property rather than to own it, in order to avoid liability. Supervisor Reagon will talk to NYSDOT about this.

#### LION'S CLUB DAY OF GOLF

Attorney Michael Hayes advised that there were two legal reasons that the town should not sponsor this event:

1. There is a state constitutional prohibition against giving municipal funds to private entities. The Lion's Club is a private entity.
2. Municipalities cannot participate in fund-raising activities, either directly or indirectly.

#### JUSTICE CLERK RESIGNATION AND APPOINTMENT

Supervisor Reagon read Patty Barron's letter of resignation from the position of Justice Clerk.

#### ACCEPT PATTY BARRON'S LETTER OF RESIGNATION WITH REGRET

MOTION: C/Doyle

SECOND: C/Russell

ROLL CALL: C/Perotti - AYE                      C/Doyle - AYE  
                  C/Euvrard - AYE                      C/Russell - AYE  
                  S/Reagon - AYE

MOTION CARRIED 5 to 0.

Supervisor Reagon then suggested the appointment of Dawn Marie Klingner to the position. Her qualifications include training as a paralegal.

#### APPOINT DAWN MARIE KLINGNER AS JUSTICE CLERK

MOTION: C/Doyle

SECOND: C/Russell

ROLL CALL: C/Perotti - AYE                      C/Doyle - AYE  
                  C/Euvrard - AYE                      C/Russell - AYE  
                  S/Reagon - AYE

MOTION CARRIED 5 to 0.

#### CONSERVATION ADVISORY COUNCIL (CAC)

Roger Russell reported:

1. Salt shed: the CAC thinks the current site of the salt shed in Wassaic is not a good place for it.
2. Hudsonia biodiversity study: CAC requested that Hudsonia begin the study with the site of the Old Amenia landfill.
3. Trout Unlimited will work with the CAC to get access to the Wassaic Creek for town people and others.

#### CPIC - COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE

The next big public meeting will be on Saturday April 22, location to be determined.

#### HIGHWAY DEPARTMENT

Highway Superintendent Stan Whitehead reported:

1. Stan feels the current site for the salt shed is OK. Councilman Russell disagreed citing tests that showed the amount of salt in the runoff water from the salt shed has 6800 ppm (parts per million) salt concentration compared to 32 ppm for the steam.
2. Highway department working on dirt roads and mud.
3. Highway department will be sweeping sand in a few weeks but have to find a place to dump it. Councilman Russell questioned if the sand had salt in it.
4. Stan asked why the plans for the salt shed building had not been ordered since there was a board resolution to do so in 2005. Councilwoman Doyle explained that the plans were site-specific and could not be ordered until a site for the salt shed had been obtained. The town cannot share the county's salt shed because we do not use the same mixture of salt as they do.
5. Wassaic street lights. Councilwoman Perotti reported that the lights should be shipped out next week and sent directly to Amenia.
6. Councilwoman Doyle asked Stan about the open culvert on O'Handley Drive. A property owner has requested that it be closed.

#### ZONING DEPARTMENT

Nancy Brusie reported:

1. 36 vehicles have been removed since the passage of the junk and abandoned vehicles local law last year.
2. Part of the job of the zoning administrator is to work with the building inspector to make sure every application meets zoning code.
3. Foodtown plaza is much improved.
4. To procedure to file a complaint is to get a form (from the wall in town hall) and fill it out. Every written complaint gets investigated using legal counsel when needed. If a proposal does not meet the zoning code, the applicant can go to the ZBA (Zoning Board of Appeals).
5. Peter Bailey's property on the corner of Mygatt and Route 343 is being prepared to sell stone for landscaping.

#### WATER DEPARTMENT

Gary Bonds reported:

1. Well 4A is doing fine. Part 5 test has been done and there is no problem with the water. This test cost \$2500.
2. So far about \$35,000 has been spent on the new well with another \$10,000 - \$15,000 yet to be come.
3. Looking at quotes for Phase III of the project to bring water from the pump head to the building. Well 4A should be online by late spring.

#### WATER TANK

Attorney for Syms Michael Sirignano reported that the engineering estimate of \$60,000 from the town's engineer is 60% higher than the estimate from the Sym's engineer HDRLMS. Would the town consider having the Sym's engineer do the engineering work and have the town's engineer review and approve it? After some discussion, Councilwoman Doyle moved to authorize the Sym's engineer to draw up maps, plans and estimates (for the new water tank and proposed water district) for review and approval by the town engineer. The town engineer would do the EAF and SEQR reviews.

#### AUTHORIZE SYM'S ENGINEER TO DRAW UP PLANS FOR REVIEW BY TOWN ENGINEER

MOTION: C/Doyle

SECOND: C/Russell

ROLL CALL: C/Perotti - AYE C/Doyle - AYE  
C/Euvrard - AYE C/Russell - AYE  
S/Reagon - AYE

MOTION CARRIED 5 to 0.

#### TOWN BOARD COMMENTS:

Councilman Euvrard: The high school play Oklahoma was great.

Councilwoman Doyle:

1. Subdivision Rec fees. The town board has been unable to get the formula needed by our attorney. Could Michael Hayes work with Lorie Mithan from the Association of Towns on this?
2. SARS (State Archives and Records Administration) has a grant that is due in June. The town could apply for this grant to digitize and categorize town records. A good place to start would be with the vouchers stored in the Town Clerk office. Perhaps the Amenia



Historical Society would like to join the town in applying for this grant since they also have a storage problem.

Councilman Russell:

1. The Easter Egg hunt is scheduled for Sunday April 9 at 2:00 at the Amenia Fish and Game Club.
2. The children's fishing derby is set for Saturday May 20.

Supervisor Reagon:

1. Silo Ridge presentation set for March 22 from 11:30 to 1:00 with Ann Conroy from county EDC.
2. Community forum on voting set for Thursday March 23 at 7:00 with elections commissioner Fran Knapp.
3. Dutchess County Department of Emergency Response will hold an information meeting on Wednesday March 28 at 7:00 at town hall.

#### PUBLIC COMMENTS

1. Pat Nelligan: If the town holds a public hearing on the expansion of the water district, will there be a permissive referendum? Michael Hayes replied that the law does not allow it in this case. However, the creation/expansion of a water district by a town is subject to article 78 review.
2. Katherine Dunlop: The official results of the November 2005 election were very late in coming because the final tallies were not certified by the county. The official result was that the Allen Property proposition was defeated by 35 votes, with 390 blank votes cast. In light of such a close vote, Katherine commended the Town Board on bringing up the Allen Property again.

#### ADJOURNMENT

The motion to adjourn was approved unanimously.

Respectfully submitted,

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Gail Hermosilla,  
Amenia Town Clerk

Approved by Town Board: April 20, 2006

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Town Clerk Monthly Status Report for February 2006  
Presented March 16, 2006

Regular Monthly Activity:

Dog licenses	11
Marriage licenses	1
Marriage certified copies	1
Birth certificate copies	1
Death certificate copies	4
Zoning books sold	10
Miscellaneous copies	40
Transfer station permits	16
Bulk permits sold	9
Transfer station coupon books	140
Burning permits issued	22
FOILs received	7
Legal notices/public hearing sent	0
Handicap parking permits	7
Bids advertised	0
Documents notarized	3
Trailer Park permits	0
Gathering permits	0
Wagering fees	0

As a result of this activity, we gave the Supervisor \$ 3,880.14 for last month.

Other activity

Taxes

So far we have collected over \$2 million in town property taxes. The last day to pay taxes without a penalty was February 28. A 2% penalty will be added to all bills paid by March 31. After that, an additional penalty is applied.

Auditors

The New York State Comptroller's Office is conducting an audit of the Town Clerk office. We have been busy providing the records needed for the audit and discussing procedures with the auditor. As we go through this analysis, we are learning specific ways to improve our operation. As a result, several procedures have already been modified and some new procedures are being implemented. A full report will be given at the end of the audit.

Thank you.

C:\Town Clerk\status reports, monthly\2006-03 Town Clerk Status Report for Feb.doc, 3/9/06